

SECOND REGULAR SESSION

SENATE BILL NO. 690

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WASSON.

Read 1st time January 9, 2014, and ordered printed.

TERRY L. SPIELER, Secretary.

4811S.01I

AN ACT

To repeal sections 190.335 and 190.339, RSMo, and to enact in lieu thereof two new sections relating to emergency service boards.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 190.335 and 190.339, RSMo, are repealed and two new
2 sections enacted in lieu thereof, to be known as sections 190.335 and 190.339, to
3 read as follows:

190.335. 1. In lieu of the tax levy authorized under section 190.305 for
2 emergency telephone services, the county commission of any county may impose
3 a county sales tax for the provision of central dispatching of fire protection,
4 including law enforcement agencies, emergency ambulance service or any other
5 emergency services, including emergency telephone services, which shall be
6 collectively referred to herein as "emergency services", and which may also
7 include the purchase and maintenance of communications and emergency
8 equipment, including the operational costs associated therein, in accordance with
9 the provisions of this section.

10 2. Such county commission may, by a majority vote of its members, submit
11 to the voters of the county, at a public election, a proposal to authorize the county
12 commission to impose a tax under the provisions of this section. If the residents
13 of the county present a petition signed by a number of residents equal to ten
14 percent of those in the county who voted in the most recent gubernatorial
15 election, then the commission shall submit such a proposal to the voters of the
16 county.

17 3. The ballot of submission shall be in substantially the following form:
18 Shall the county of (insert name of county) impose a county sales
19 tax of (insert rate of percent) percent for the purpose of providing central

20 dispatching of fire protection, emergency ambulance service, including emergency
21 telephone services, and other emergency services?

22 ☐ YES ☐ NO

23 If a majority of the votes cast on the proposal by the qualified voters voting
24 thereon are in favor of the proposal, then the ordinance shall be in effect as
25 provided herein. If a majority of the votes cast by the qualified voters voting are
26 opposed to the proposal, then the county commission shall have no power to
27 impose the tax authorized by this section unless and until the county commission
28 shall again have submitted another proposal to authorize the county commission
29 to impose the tax under the provisions of this section, and such proposal is
30 approved by a majority of the qualified voters voting thereon.

31 4. The sales tax may be imposed at a rate not to exceed one percent on the
32 receipts from the sale at retail of all tangible personal property or taxable
33 services at retail within any county adopting such tax, if such property and
34 services are subject to taxation by the state of Missouri under the provisions of
35 sections 144.010 to 144.525. The sales tax shall not be collected prior to thirty-six
36 months before operation of the central dispatching of emergency services.

37 5. Except as modified in this section, all provisions of sections 32.085 and
38 32.087 shall apply to the tax imposed under this section.

39 6. Any tax imposed pursuant to section 190.305 shall terminate at the end
40 of the tax year in which the tax imposed pursuant to this section for emergency
41 services is certified by the board to be fully operational. Any revenues collected
42 from the tax authorized under section 190.305 shall be credited for the purposes
43 for which they were intended.

44 7. At least once each calendar year, the board shall establish a tax rate,
45 not to exceed the amount authorized, that together with any surplus revenues
46 carried forward will produce sufficient revenues to fund the expenditures
47 authorized by this act. Amounts collected in excess of that necessary within a
48 given year shall be carried forward to subsequent years. The board shall make
49 its determination of such tax rate each year no later than September first and
50 shall fix the new rate which shall be collected as provided in this
51 act. Immediately upon making its determination and fixing the rate, the board
52 shall publish in its minutes the new rate, and it shall notify every retailer by
53 mail of the new rate.

54 8. Immediately upon the affirmative vote of voters of such a county on the
55 ballot proposal to establish a county sales tax pursuant to the provisions of this

56 section, the county commission shall appoint the initial members of a board to
57 administer the funds and oversee the provision of emergency services in the
58 county. Beginning with the general election in 1994, all board members shall be
59 elected according to this section and other applicable laws of this state. At the
60 time of the appointment of the initial members of the board, the commission shall
61 relinquish and no longer exercise the duties prescribed in this chapter with
62 regard to the provision of emergency services and such duties shall be exercised
63 by the board.

64 9. The initial board shall consist of seven members appointed without
65 regard to political affiliation, who shall be selected from, and who shall represent,
66 the fire protection districts, ambulance districts, sheriff's department,
67 municipalities, any other emergency services and the general public. This initial
68 board shall serve until its successor board is duly elected and installed in
69 office. The commission shall ensure geographic representation of the county by
70 appointing no more than four members from each district of the county
71 commission.

72 10. Beginning in 1994, three members shall be elected from each district
73 of the county commission and one member shall be elected at large, such member
74 to be the chairman of the board. Of those first elected, four members from
75 districts of the county commission shall be elected for terms of two years and two
76 members from districts of the county commission and the member at large shall
77 be elected for terms of four years. In 1996, and thereafter, all terms of office
78 shall be four years. Notwithstanding any other provision of law, if there is no
79 candidate for an open position on the board, then no election shall be held for
80 that position and it shall be considered vacant, to be filled pursuant to the
81 provisions of section 190.339, and, if there is only one candidate for each open
82 position, no election shall be held and the candidate or candidates shall assume
83 office at the same time and in the same manner as if elected.

84 11. Notwithstanding the provisions of subsections 8 to 10 of this section
85 to the contrary, in any county of the first classification with more than two
86 hundred forty thousand three hundred but fewer than two hundred forty
87 thousand four hundred inhabitants, any emergency telephone service 911 board
88 appointed by the county under section 190.309 which is in existence on the date
89 the voters approve a sales tax under this section shall continue to exist and shall
90 have the powers set forth under section 190.339. **Such boards which existed**
91 **prior to August 25, 2010 shall not be considered a body corporate and**

92 a political subdivision of the state for any purpose, unless and until an
93 order is entered upon an unanimous vote of the commissioners of the
94 county in which such board is established reclassifying such board as
95 a corporate body and political subdivision of the state. The order shall
96 approve the transfer of the assets and liabilities related to the
97 operation of the emergency service 911 system to the new entity
98 created by the reclassification of the board.

99 12. (1) Notwithstanding the provisions of subsections 8 to 10 of this
100 section to the contrary, in any county of the second classification with more than
101 fifty-four thousand two hundred but fewer than fifty-four thousand three hundred
102 inhabitants or any county of the first classification with more than fifty thousand
103 but fewer than seventy thousand inhabitants that has approved a sales tax under
104 this section, the county commission shall appoint the members of the board to
105 administer the funds and oversee the provision of emergency services in the
106 county.

107 (2) The board shall consist of seven members appointed without regard
108 to political affiliation. Except as provided in subdivision (4) of this subsection,
109 each member shall be one of the following:

110 (a) The head of any of the county's fire protection districts, or a designee;

111 (b) The head of any of the county's ambulance districts, or a designee;

112 (c) The county sheriff, or a designee;

113 (d) The head of any of the police departments in the county, or a designee;

114 and

115 (e) The head of any of the county's emergency management organizations,
116 or a designee.

117 (3) Upon the appointment of the board under this subsection, the board
118 shall have the power provided in section 190.339 and shall exercise all powers
119 and duties exercised by the county commission under this chapter, and the
120 commission shall relinquish all powers and duties relating to the provision of
121 emergency services under this chapter to the board.

122 (4) In any county of the first classification with more than fifty thousand
123 but fewer than seventy thousand inhabitants, each of the entities listed in
124 subdivision (2) of this subsection shall be represented on the board by at least one
125 member.

190.339. 1. The powers and duties of the emergency services board shall
2 include, but not be limited to:

- 3 (1) Planning a 911 system and dispatching system;
- 4 (2) Coordinating and supervising the implementation, upgrading or
5 maintenance of the system, including the establishment of equipment
6 specifications and coding systems;
- 7 (3) Receiving money from any county sales tax authorized to be levied
8 pursuant to section 190.335 and authorizing disbursements from such moneys
9 collected;
- 10 (4) Hiring any staff necessary for the implementation, upgrade or
11 operation of the system.

12 **2. Except for emergency services 911 boards in existence prior**
13 **to August 25, 2010 and operating under the authority of subsection 11**
14 **of section 190.335,** the board shall be a body corporate and a political
15 subdivision of the state and shall be known as the "..... Emergency Services
16 Board".

17 3. The administrative control and management of the moneys from any
18 county sales tax authorized to be levied pursuant to section 190.335 and the
19 administrative control and management of the central dispatching of emergency
20 services shall rest solely with the board, and the board shall employ all necessary
21 personnel, affix their compensation and provide suitable quarters and equipment
22 for the operation of the central dispatching of emergency services from the funds
23 available for this purpose.

24 4. The board may contract to provide services relating in whole or in part
25 to central dispatching of emergency services and for such purpose may expend the
26 tax funds or other funds.

27 5. The board shall elect a vice chairman, treasurer, secretary and such
28 other officers as it deems necessary. Before taking office, the treasurer shall
29 furnish a surety bond in an amount to be determined and in a form to be
30 approved by the board for the faithful performance of the treasurer's duties and
31 faithful accounting of all moneys that may come into the treasurer's hands. The
32 treasurer shall enter into the surety bond with a surety company authorized to
33 do business in Missouri, and the cost of such bond shall be paid by the board of
34 directors.

35 6. The board may accept any gift of property or money for the use and
36 benefit of the central dispatching of emergency services, and the board is
37 authorized to sell or exchange any such property which it believes would be to the
38 benefit of the service so long as the proceeds are used exclusively for central

39 dispatching of emergency services. The board shall have exclusive control of all
40 gifts, property or money it may accept; of all interest of other proceeds which may
41 accrue from the investment of such gifts or money or from the sale of such
42 property; of all tax revenues collected by the county on behalf of the central
43 dispatching of emergency services; and of all other funds granted, appropriated
44 or loaned to it by the federal government, the state or its political subdivisions
45 so long as such resources are used solely to benefit the central dispatching of
46 emergency services.

47 7. Any board member may, following notice and an opportunity to be
48 heard, be removed from any office by a majority vote of the other members of the
49 board for any of the following reasons:

- 50 (1) Failure to attend five consecutive meetings, without good cause;
51 (2) Conduct prejudicial to the good order and efficient operation of the
52 central dispatching of emergency services; or
53 (3) Neglect of duty.

54 8. The chairperson of the board shall preside at such removal hearing,
55 unless the chairperson is the person sought to be removed, in which case the
56 hearing shall be presided over by another member elected by a majority vote of
57 the other board members. All interested parties may present testimony and
58 arguments at such hearing, and the witnesses shall be sworn in by oath or
59 affirmation before testifying. Any interested party may, at his or her own
60 expense, record the proceedings.

61 9. Vacancies on the board occasioned by removals, resignations or
62 otherwise, shall be filled by the remaining members of the board. The appointee
63 or appointees shall act until the next election at which a director or directors are
64 elected to serve the remainder of the unexpired term.

65 10. Individual board members shall not be eligible for employment by the
66 board within twelve months of termination of service as a member of the board.

67 11. No person shall be employed by the board who is related within the
68 fourth degree by blood or by marriage to any member of the board.

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